

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

PEPO HERD EL, a/k/a,
PEPO WAMCHAWI HERD,

Defendant

CRIMINAL No. 21-CR-10045-ADB

GOVERNMENT’S STATUS REPORT

On July 28, 2022, the parties provided this Court with a status update. At that time, neither the Court nor the parties had received a report detailing the results of the defendant’s evaluation and treatment at the Federal Correctional Institution in Butner, North Carolina.

Later on July 28, 2022, the government received an electronic message containing the report and recommendation of the defendant’s mental health care provider. That report is described in ECF No. 96. The report’s cover message stated, “The original will be sent via US mail to Judge Burroughs’ chambers. A copy will be sent to defense counsel.” Unfortunately, defense counsel informed this week that she did not receive a copy of the report until about mid-August and that she has not yet had an opportunity to consult with her client about it. For this reason, at our September 12, 2022, appearance, the defense may ask for a 30-day continuance of the matter. The government does not object to that continuance. For future planning purposes, the government does expect to move under *Sell v. United States*, 539 U.S. 166 (2003) that the

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defendant be forcibly medicated in an effort to restore his competence.

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

By: /s/ Amanda Beck
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BENJAMIN TOLKOFF
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Amanda Beck
AMANDA BECK
Assistant United States Attorney

Date: September 9, 2022